

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6675**

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GARLAND EDWARD PITTMAN,

Petitioner - Appellant,

versus

RANDALL E. LEE; MIKE EASLEY, Attorney General  
for the State of North Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Graham C. Mullen, Chief  
District Judge. (CA-99-246-1-MU)

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Submitted: December 20, 2001

Decided: December 27, 2001

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Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Garland Edward Pittman, Appellant Pro Se. Clarence Joe DelForge,  
III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh,  
North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Garland Edward Pittman seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001). We have reviewed the record and the district court's opinion and find no reversible error. As to Pittman's challenge to the district court's denial of his claim that his guilty plea was not knowing and voluntary, we dismiss on the reasoning of the district court. Pittman v. Lee, No. CA-99-246-1-MU (W.D.N.C. filed Mar. 26, 2001; entered Mar. 27, 2001). Pittman filed a motion to supplement his informal brief to raise an additional claim, namely that the district court erred by failing to hold an evidentiary hearing. Although we grant Pittman's motion, we find that the district court did not err by failing to hold an evidentiary hearing. Pittman's remaining claims are dismissed because a knowing and voluntary guilty plea waives all antecedent non-jurisdictional defects. Tollett v. Henderson, 411 U.S. 258, 267 (1973). Accordingly, we deny leave to proceed in forma pauperis, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED